



## **United States Mission to the OSCE**

### **Statement on the International Criminal Tribunal for the former Yugoslavia**

As delivered by Ambassador Stephan M. Minikes  
to the Permanent Council, Vienna  
November 4, 2003

Thank you, Mr. Chairman. We would like to welcome Chief Prosecutor Del Ponte to the Permanent Council today. We believe the International Criminal Tribunal for the Former Yugoslavia continues to play a very important role helping Southeast Europe move beyond the problems of the past and towards Euro-Atlantic integration.

Bringing persons indicted for war crimes to justice, in particular those most responsible for the devastation of the Balkans over the last ten years, is an important part of promoting ethnic reconciliation and establishing the rule of law. It is also a necessary element of ensuring regional stability and normalization of regional relations.

It is hard to imagine a Balkans at peace with such notorious indictees as Karadzic, Mladic, and Gotovina, at large, and we support the Prosecutor's efforts to bring these and other high level indictees to justice. We also continue to urge authorities in the region to do their part to cooperate fully with the Tribunal, including taking steps, per their UN and Dayton obligations, to detain and transfer persons indicted for war crimes to The Hague, or bring about their surrender.

The United States has also taken a number of steps to increase the pressure on fugitive indictees and their supporters. On May 29, President Bush signed an Executive Order that included in its provisions the freezing of assets and the restriction of travel of indictees and their supporters. UNSCR 1503 calls on UN members to enact travel and financial restrictions. We welcome the decision of the European Commission to also enact travel restrictions and we urge other nations and groups of nations to restrict the travel and to freeze the assets of indicted war criminals and those who support their evasion of justice.

The United States has actively supported the work of the Tribunal since its inception. The Security Council established the Tribunal to bring to justice persons allegedly responsible for serious violations of international humanitarian law, to render justice to the victims, which are too often forgotten, to deter further crimes, and to contribute to the restoration of peace by promoting reconciliation in the former Yugoslavia.

The Tribunal has played an important role in furtherance of these goals, while the countries in the region worked to rebuild after years of war and armed conflict.

**We strongly support the Tribunal's Completion Strategy, submitted to the Security**

Council last June, in which the Tribunal set out a plan to complete all investigations by the end of 2004, all first instance trials by the end of 2008, and to complete all work in 2010. We also strongly supported UNSCR 1503, in which the Security Council called upon the Tribunal to take all possible measures to comply with its completion strategy.

We, together with the international community, have worked closely with the countries of the region to help create the local capacity by which the rule of law is a transparent, dependable, and functional reality. We are working to help root out corruption, to ensure necessary legislation is in place, and to provide resources to authorities in the region to ensure accountability and deliver justice.

A focus of this assistance has also been to ensure that domestic courts, once unable to render justice to war criminals, are capable of doing so. We were pleased to be able to announce at the October 30 Donors' Conference in The Hague that we would provide \$5 million this year to establish a new War Crimes Chamber in the state court of Bosnia and Herzegovina, followed by a similar contribution in the first half of next year. In keeping with UNSCR 1503, we urge other states to provide financial assistance or in-kind contributions to help ensure the success of the new Chamber and to focus assistance on building domestic capacity throughout the region.

Enabling domestic courts to try persons indicted for war crimes, including those transferred from The Hague, is an important step forward for a region that has seen too much conflict. The Tribunal is where the most senior leaders, suspected of being most responsible for serious war crimes, should be tried, but it is important for the region, with help from the international community, to adjudicate the rest.

Because of the clear support of the International Community for the Tribunal's own Completion Strategy, we were surprised by the Prosecutor's presentation to the Security Council last month. By pursuing 14 new or additional indictments covering 30 individuals, it appears the Prosecutor has indicated an approach that complicates and puts at risk the timeline set out in the Completion Strategy.

We would like to reiterate the clear position expressed by the Security Council - that the Tribunal plan appropriately in order to meet its Completion Strategy. We appreciate the invaluable assistance that the Tribunal has provided in helping to bring peace and stability to the region, and believe that our efforts now should be focused on ensuring that only those most responsible face justice in The Hague. Thank you, Mr. Chairman.